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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,002	12/12/2000	Michael D. Bullock	Y00-044	3382

7590 08/10/2004

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EXAMINER

DUONG, THANH P

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/735,002

Applicant(s)

BULLOCK ET AL.

Examiner

Tom P Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 4-5, 9-10, 12-13, and 17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cicero (D226,526). Cicero discloses a putter comprising: a single, solid, unitary body having a front surface with a relatively small, centrally-located, flat ball contact surface that comprises a sweet spot of the putter head and lateral portions that taper rearwardly away from the ball contact surface from respective lateral edges of the ball contact surface to respective outer edges of the putter head. Cicero shows a cavity on the upper surface to accommodate a shaft but does not show a straight shaft having a grip on Figure 1; however, it is conventional to provide a shaft having a grip mounted to the golf club head and it would have been obvious to do so here to provide a hand-engaging means for the putter head.

2. Claims 1-2, 4-5, 7, 9-10, 12-13, 15, and 17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as

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obvious over Mattingly (D282,952). Mattingly discloses a putter comprising: a single, solid, unitary body having a front surface with a relatively small, centrally-located, flat ball contact surface that comprises a sweet spot of the putter head and lateral portions that taper rearwardly away from the ball contact surface from respective lateral edges of the ball contact surface to respective outer edges of the putter head. Mattingly shows a cavity on the upper surface to accommodate a shaft but does not show a straight shaft having a grip on Figure 2; however, it is conventional to provide a straight shaft having a grip mounted to the golf club head and it would have been obvious to do so here to provide a hand-engaging means for the putter head.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 6, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cicero (D226,526). Regarding claims 3 and 11, it is conventional to provide a offset to a shaft member and it would have been obvious to do so here to facilitate alignment of the putter head with ball.

Regarding claims 6 and 14, Cicero does not show the lateral portions with curved

surfaces. Applicant has not disclosed criticality or unexpected results for having curved surfaces versus flat surfaces in the lateral portions; thus, in view of Cicero, the selection of the curve surfaces in the lateral portions are an obvious matter of design choice to one having ordinary skill in the art. Therefore, the flat surfaces of the lateral portions of Cicero provide the same deflection results as the claimed invention.

4. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cicero (D226,526) in view of Swash (D234,962). Cicero '526 discloses a relatively thick lateral ends but fails to disclose one of which has an opening to receive a shaft. Swash '962 teaches lateral portions with openings to facilitate shaft attachment for both left-hander and right-hander (Figs. 2-3). Thus, it would have been obvious in view of Swash '962 to one having ordinary skill in the art to modify the putter head of Cicero with opening at the lateral ends to receive a shaft as taught by Swash to accommodate both left-hander and right-hander.

5. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cicero '526 in view of Holliday et al. (5,769,737) and Swash (D234,962). Cicero does not disclose a rear portion of the putter head has a cavity. Holliday '737 teaches the large surface cavity 17 removes unnecessary weight from the club head 10 to reduce weight of the putter head (Col. 3, lines 44-50). Swash '962 also teaches rear portion having a cavity to reduce the overall weight of the putter head. Thus, it would have been obvious in view of

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Holliday and Swash to one having ordinary skill in the art to provide a rear cavity as taught by Swash and/or Holliday in order to reduce the overall weight of the putter head.

6. Claims 3, 6, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattingly (D282,952). Regarding claims 3 and 11, it is conventional to provide a offset to a shaft member and it would have been obvious to do so here to facilitate alignment of the putter head with ball.

Regarding claims 6 and 14, Mattingly does not show the lateral portions with curved surfaces. Applicant has not disclosed criticality or unexpected results for having curved surfaces versus flat surfaces in the lateral portions; thus, in view of Mattingly, the selection of the curve surfaces in the lateral portions are an obvious matter of design choice to one having ordinary skill in the art. Therefore, the flat surfaces of the lateral portions of Mattingly provide the same deflection results as the claimed invention.

7. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattingly '952 in view of Holliday et al. (5,769,737) and Swash (D234,962). Mattingly does not disclose a rear portion of the putter head has a cavity. Holliday '737 teaches the large surface cavity 17 removes unnecessary weight from the club head 10 to reduce weight of the putter head (Col. 3, lines 44-50). Swash '962 also teaches rear portion having a cavity to reduce the overall weight of the putter head. Thus, it would have been obvious in view of Holliday and Swash to one having ordinary skill in the art to provide a rear cavity

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as taught by Swash and/or Holliday in order to reduce the overall weight of the putter head.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Duong  
August 4, 2004

*TD*



Glenn Caldarola  
Supervisory Patent Examiner  
Technology Center 1700